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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,678	07/14/2003	Yin-Shu Yang	YANG3146/EM	4122
23364	7590	08/25/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			GUTMAN, HILARY L	
			ART UNIT	PAPER NUMBER
			3612	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/617,678

Applicant(s)

YANG, YIN-SHU

Examiner

Hilary Gutman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3 and 4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bundy in view of Benedict and Bohlman et al. (3,384,333).

Bundy (5,904,458) discloses a side rack rod for motor vehicle, comprising: a pair of corresponding anchors 10, each having a straight tubular section 20; a curved pipe section 18 at an end of each of the straight tubular sections; a fixed base 34, 70 at each of the curved pipe sections; a sleeve 30 disposed between the pair of anchors and configured to receive the straight tubular sections, the fixed bases each having a hole 36, 38.

With regard to claim 4, the sleeve 30 is hollow and interconnected between the straight pipe sections of the pair of corresponding anchors.

Bundy lacks the holes being long groove holes such that the maximum and minimum distances between the long groove holes are adjustable according to the length of at least one of the straight tubular sections and the sleeve.

Benedict (6,312,202) teaches a side rack rod 20 for motor vehicle, comprising: a straight tubular pipe section 22; a curved pipe section 24, 26, respectively disposed on both ends of the straight tubular pipe section; a fixed base 32, disposed under each curved pipe section; characterized in that each fixed base comprising a long groove hole 36 thereon, and the

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maximum and minimum distance between the two long groove holes is variable so as to fit a range of various sized truck beds.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a long groove hole as taught by Benedict in place of the hole of Bundy in order to adjustably mount the side rack rod for various sized trucks.

Bundy, as modified, further lacks the straight pipe section of the anchor having a length larger than that of the sleeve.

Bohlman et al. (3,384,333) teach a straight pipe section of an anchor having a length larger than that of a sleeve dividing the straight pipe section (Figure 6). The sleeve provides an intermediate support for the straight pipe section (See Column 2, lines 48-61).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have divided the straight tubular section 30 of Bundy, as modified, and to have connected the two sections with a sleeve as taught by Bohlman et al. in order to provide an intermediate support.

3. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bundy in view of Benedict and Duer (4,070,119).

Bundy (5,904,458) discloses a side rack rod for motor vehicle, comprising: a pair of corresponding anchors 10, each having a straight tubular section 20; a curved pipe section 18 at an end of each of the straight tubular sections; a fixed base 34, 70 at each of the curved pipe sections; a sleeve 30 disposed between the pair of anchors and configured to receive the straight tubular sections, the fixed bases each having a hole 36, 38.

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With regard to claim 4, the sleeve 30 is hollow and interconnected between the straight pipe sections of the pair of corresponding anchors.

Bundy lacks the holes being long groove holes such that the maximum and minimum distances between the long groove holes are adjustable according to the length of at least one of the straight tubular sections and the sleeve.

Benedict (6,312,202) teaches a side rack rod 20 for motor vehicle, comprising: a straight tubular pipe section 22; a curved pipe section 24, 26, respectively disposed on both ends of the straight tubular pipe section; a fixed base 32, disposed under each curved pipe section; characterized in that each fixed base comprising a long groove hole 36 thereon, and the maximum and minimum distance between the two long groove holes is variable so as to fit a range of various sized truck beds.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a long groove hole as taught by Benedict in place of the hole of Bundy in order to adjustably mount the side rack rod for various sized trucks.

Bundy, as modified, further lacks the straight pipe section of the anchor having a length larger than that of the sleeve.

Duer (4,070,119) teaches a straight pipe section having a length larger than that of a sleeve dividing the straight pipe section. Joining two longer pipe sections with a shorter section is old and well known in the prior art. This allows for items to be shipped in smaller sections and assembled on site.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have divided the straight tubular section 30 of Bundy, as modified, and to have

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connected the two sections with a sleeve as taught by Duer in order to provide more convenient shipping of the anchors and assembly on site of the anchor.

Response to Arguments

4. Applicant's arguments with respect to claims 3-4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is 703-305-0496.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Dayoan can be reached on 703-308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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7. **Any response to this action should be mailed to:**

Assistant Commissioner for Patents

Washington, D.C. 20231

or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 746-3515, (for informal or draft communications, please clearly label

“PROPOSED” or “DRAFT”).



Hilary Gutman
August 17, 2004